

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MERRY GAGG,

Plaintiff,

vs.

ALLIED CASH ADVANCE; ALLIED CASH  
ADVANCE, INC.; ALLIED CASH ADVANCE  
WASHINGTON, LLC, JOHN LIE-NIELSEN and  
JANE DOE NIELSEN, and the marital  
community comprised thereof; and DOES 1-10,  
inclusive,

Defendants.

**NO. CV 10 5257 RBL**

**ORDER ON DEFENDANT  
JOHN LIE-NIELSEN'S  
MOTION TO DISMISS  
PURSUANT TO FRCP  
12(b)(6)**

The motion of Defendant John Lie-Nielsen to dismiss all claims was noted for consideration on Friday July 30, 2010, the Honorable Ronald B. Leighton, United States District Court Judge, presiding. The motion was brought pursuant to Fed. R. Civ. Proc. 12(b)(6) on the grounds that plaintiff's state law claims are barred by the statute of limitations; and on the further ground that her remaining Title VII claims do not provide for individual liability against the moving party. The court has considered all pleadings on file.

IT IS HEREBY ORDERED that plaintiff's claims of gender discrimination in violation of RCW 49.60; retaliation in violation of RCW 49.60; negligent supervision and/or retention; malicious harassment; and the tort of outrage are barred by the statutes of limitation applicable to those state law claims. Thus, defendant John Lie-Nielsen's objections to said claims under Fed. R. Civ. Proc. 12(b)(6) are hereby sustained and those claims are dismissed with prejudice.

**ORDER ON DEFENDANT JOHN LIE-NIELSEN'S  
MOTION TO DISMISS PURSUANT TO FRCP  
12(b)(6) - 1  
U.S.D.C. No. C10-5257**

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1 IT IS HEREBY FURTHER ORDERED that plaintiff's remaining claims against  
2 John Lie-Nielsen under Title VII of the Civil Rights Act of 1964, 42 USC §2000, *et seq.*  
3 are dismissed with prejudice as Title VII does not provide for individual liability for  
4 plaintiff's claims of gender discrimination and retaliation.

5  
6 Dated this 30<sup>th</sup> Day of July, 2010.

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8   
9 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

10 **Presented By:**

11 Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S.

12  
13 /s/ Elizabeth A. McIntyre  
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